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JAMES G. STAPLES ESQ A. FINKL & SONS CO 2011 NORTH SOUTH PPORT AVENUE CHICAGO IL 60614

EXAMINER WYSZOMIERSKI,G		
1742	12	
DATE MAILED:	11/03/99	

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

## **ADVISORY ACTION**

Char	THE PERIOD FOI	R RESPONSE:		
event however, will the statutory period for the response expire later than six months from the date of the final rejection.  Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originality set shortened statutory period for response or as set forth in b) above.  Applicant's response to the final rejection, filed \$\frac{1}{27}\frac{7}{9}\frac{1}{9}\$ has been considered with the following effect, but it is not deemed to place the application in condition for allowance:  1. The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:  a. There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.  b. They raise new issues that would require further consideration and/or search. (See Note).  c. They raise the issue of new matter. (See Note).  d. They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.  e. They present additional claims without cancelling a corresponding number of finally rejected claims.  NOTE:  2. Newly proposed or amended claims	a) is extended to	orun 4 may the ercontinues to air from the	he date of the final rejection	
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to place the application in condition for allowance:  1.	Appellant's Brief is	is due in accordance with 37 CFR 1.192(a).		
a.   There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.  b.   They raise new issues that would require further consideration and/or search. (See Note).  c.   They raise the issue of new matter. (See Note).  d.   They raise the issue of new matter. (See Note).  d.   They raise the issue of new matter. (See Note).  d.   They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.  e.   They present additional claims without cancelling a corresponding number of finally rejected claims.  NOTE:	Applicant's respont to place the applicant	nse to the final rejection, filed $\frac{9127/99}{}$ has been considered w cation in condition for allowance:	rith the following effect, but it is not deemed	
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Claims allowed:			entered and the status of the claims will	
Claims objected to:  Claims rejected:  4, 15, 16, 17  However;  Applicant's response has overcome the following rejection(s):  4. The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because  5. The affidavit or exhibit will not be considered because applicant has not shown good and sufficent reasons why it was not earlier presented. Further, affidavit cappears to be largely opinion of third party, we no actual required because to raise used in crisinal specific a bag and terms. Currently present in Claims.		19	* <del>*</del> .	
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